

relation to, or connection with, the public free schools therein, and all the duties imposed by law upon such city or town concerning the support, control or management of such schools, shall hereafter be exercised by such city or town through the board of education therein; and each city or town having heretofore had the control and management of the public schools thereof shall hereafter constitute an independent school district, governed and controlled by the board of education thereof, as provided by General Law for the control and management of independent school districts.

Sec. 3. The board of education of such an independent district, as is provided for in Section 2 of this Act, shall consist of seven members elected at the time, in the manner, and for such term as is now, or may hereafter be, provided by General Law relating to the control, management and organization of independent school districts; provided, however, that nothing in this Act shall be so construed as to prevent any member of the board of education of any city or town referred to in Section 1 from serving the remainder of the term for which he was elected or appointed prior to the passage of this Act. And the said independent school district is hereby vested with all the rights, powers and duties of an independent school district incorporated for free school purposes, including the right to levy taxes and issue bonds for school purposes, as provided by General Law.

Sec. 4. The title to all property owned and used by any city or town referred to in Section 1 of this Act, which has heretofore been acquired and used for school purposes, shall hereafter vest in the independent district provided for in Section 2, and shall be managed and controlled by the board of trustees thereof, as is now, or may hereafter be, provided by General Law. And in the event any city or town has outstanding bonds issued for school purposes, the independent school district may by a majority vote of the qualified tax-paying voters thereof assume said bonds and authorize the levy of a tax to pay the interest thereon and to pay the principal at maturity; the election for this purpose to be governed by the General Law relating to independent school districts.

Sec. 5. All laws and parts of laws, General and Special, in conflict herewith are hereby repealed.

Sec. 6. The unsettled and unsatisfactory conditions of the schools in many of the cities and towns of this State, together with the crowded condition of the calendar, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

ELEVENTH DAY.

Senate Chamber,
Austin, Texas,

Wednesday, May 25, 1927.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Witt.
Miller.	Wood.
Moore.	Woodward.

Absent.

McFarlane.	Ward.
Price.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Bills and Resolutions.

By Senator Pollard:

S. B. No. 38, A bill to be entitled "An Act relating to the duties of the county board of trustees of the

public schools of this State, authorizing them to condemn land for school purposes; to subdivide their respective counties into convenient school districts; to increase or reduce the area of school districts; create additional districts; consolidate two or more adjacent districts; subdivide any district; revise or rearrange the boundaries of any school district; attach territory thereto, detach territory therefrom and to adjust the district properties and bonded indebtedness against such districts and detached or added territory upon a just and equitable basis and repealing all laws, general or special, in conflict therewith, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senators Woodward and Pollard:

S. B. No. 39, A bill to be entitled "An Act to amend Article 651, Title 8, Chapter 5 of the Code of Criminal Procedure of the State of Texas."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Woodward:

S. B. No. 40, A bill to be entitled "An Act to amend Article 61 and Articles 62, 63, and 64 of the Penal Code, 1925, to provide for an increase of punishment on second and subsequent convictions of misdemeanors and felonies, to provide for the admission of testimony of such prior convictions and the charge of the court relative thereto, and provide other matters necessary and incidental to the main purpose, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Wood:

S. B. No. 41, A bill to be entitled "An Act granting authority for the sale of personal and real property belonging to the Prison System; enacting necessary provisions in reference to the terms and conditions of such sales; granting authority for the purchase of lands and appurtenances for the State Prison System and enacting necessary provisions relative and incident to same, etc., and declaring an emergency."

Read first time and referred to Committee on Penitentiaries.

By Senator Witt:

S. B. No. 42, A bill to be entitled "An Act relating to free textbooks for the public free schools of this State; amending Sections 30, 31, 33, 34 and 39, and repealing Sections 40 and 41, of Chapter 176 of the General Laws of the Regular Session of the Thirty-ninth Legislature of this State; providing for the setting aside of funds for free textbooks used in the public free schools of this State; etc., and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Witt:

S. B. No. 43, A bill to be entitled "An Act to better provide for the collection of delinquent taxes by providing more adequate compensation for county and district attorneys in connection with delinquent tax suits and delinquent tax collections, etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Greer:

S. B. No. 44, A bill to be entitled "An Act making provision for the continuance of teachers' certificates for one year where the holder of same takes and passes four subjects or courses at a summer school of a State Teachers' College or any other institution rated as first class by the State Department of Education, and defining the meaning of courses for the purpose of this Act; etc., and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Woodward:

S. B. No. 45, A bill to be entitled "An Act repealing Article 650 of the Code of Criminal Procedure of the State of Texas of 1925, which permits defendants jointly prosecuted to sever upon the request of either and amending Article 651 of the Code of Criminal Procedure of the State of Texas of 1925, so as to provide that defendants jointly or separately indicted may upon request ask for a severance and giving to the trial judge the right to order a severance, if in his discretion the ends of justice require a severance, and repealing Article 711 of the Code of Criminal Procedure of the State of Texas of 1925, and declaring an emergency."

By Senator Berkeley:

S. B. No. 46, A bill to be entitled "An Act to provide for an adequate system of vital statistics, and for the registration of all births and deaths in this State, and for the compiling and preservation of records for such purposes, etc., and declaring an emergency."

Read first time and referred to Committee on Public Health.

By Senator Berkeley:

S. B. No. 47, A bill to be entitled "An Act to better protect and promote the health of the people of Texas; establishing the Department of Health, to consist of a State Board of Health, appointed by the Governor, a State Health Officer, appointed by the State Board of Health; fixing the term of office, etc., and declaring an emergency."

Read first time and referred to Committee on Public Health.

Conference Committee on S. B. No. 2.

The Chair announced the appointment of the following Free Conference Committee on S. B. No. 2:

Bailey, Wood, Wirts, Lewis, Miller.

Senate Bill No. 7.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 7, A bill to be entitled "An Act making an appropriation for the year ending August 31, 1928, and for the year ending August 31, 1929, the same or so much thereof as may be necessary to be for the purpose of promoting rural school education and equalizing the school opportunities afforded by the State to all school children of scholastic age living in small and financially weak districts; etc., and declaring an emergency."

Senator Moore sent up the following amendment:

By Senator Moore:

Amend S. B. No. 7 by striking out all below the enacting clause, and insert in lieu thereof the following:

Section 1. For the purpose of advancing and developing public education in financially weak school districts of the State, there is hereby appropriated from the general treasury of the State of Texas the sum of one and one-half million (\$1,500,000.00) dollars or so much thereof

as may be necessary for the fiscal year ending August 31, 1928, and the sum of one and one-half million (\$1,500,000.00) dollars or so much thereof as may be necessary for the fiscal year ending August 31, 1929.

Sec. 2. Rural and small town schools having a scholastic population of not more than three hundred (300), shall be eligible to receive aid not in excess of five hundred (\$500.00) dollars during any one fiscal year upon satisfactory evidence that said school has voted and is collecting taxes in any sum from fifty (50c) cents to seventy-five (75c) on the one hundred (\$100.00) dollars valuation of property assessed at not less than the assessment for State and county purposes; and provided said school meets all other requirements as to location, construction and equipment of building and suitable campus authorized by the State Department of Education, which shall be in conformity with the school building laws of the State.

(a). No school district shall be eligible to participate in the funds hereby provided which seeks by petition, public election or otherwise to reduce its tax rate below the rate being assessed at the time this measure takes effect, when said tax rate was equal to or in excess of the rates required under the first paragraph of this section. Satisfactory proof that no effort has been made to reduce its tax rate, when same was equal to or in excess of the rates required under the first paragraph of this section, shall be by each school district applying for and granted aid under this Act.

(b). Funds hereby appropriated shall be used exclusively to provide or lengthen and extend, the school term for or to a period of not less than six months, but none of such funds shall be used to increase monthly salaries paid instructors in schools aided by these funds. Any school district violating this provision shall forfeit its right to aid under this Act.

Sec. 3. It shall be the duty of the Superintendent of Public Instruction of the county in which the school district making application for aid under this Act is located, to make personal inspection of the building and equipment and financial condition of the school district, and report

same on suitable blanks furnished by the State Department of Education and approved by the State Board of Education.

(a). The County Superintendent shall supply all necessary and needed information required and shall make oath or affirmation and affidavit thereto executed before the proper authority, but said superintendent shall not be required to say whether or not aid requested shall be granted. He shall serve as a neutral party in the request for aid and in the amount of aid sought and granted. The duty of determining whether aid shall be granted to school districts and the amount thereof shall be determined exclusively by the State Superintendent of Public Instruction, the head of the rural school division of the Department of Education and one assistant Superintendent of Public Instruction, on proper information furnished by the Superintendent of Public Instruction of the county in which the school seeking aid is situated.

Sec. 4. The State Board of Education, upon recommendation of, and by and with the advice, consent and approval of the State Superintendent of Public Instruction, is hereby charged with responsibility of administering this Act in all points not herein provided. It shall be permitted to grant and extend aid to consolidated school districts whether such consolidation is effected by action of the County Board of Education, by election of the qualified voters in the district affected or otherwise legally created, provided such aid shall not be in excess of five hundred (\$500.00) dollars for each unit, or (District) included in the consolidation for each fiscal year; it shall be permitted to grant and extend aid to each rural high school district formed in this State provided such aid be not in excess of one thousand (\$1,000.00) dollars for the fiscal year; it shall be permitted to grant aid to all consolidated and rural high school districts conveying pupils to and from said school at State expense to the amount of three hundred (\$300.00) dollars for each vehicle, each fiscal year, provided such aid shall not exceed one-half the cost of transportation.

Sec. 5. The maximum and minimum salary scale permitted in schools granted aid under this Act

shall be; Maximum, \$175.00 per month; minimum \$75.00 per month; provided, that in deciding upon the number of teachers employed for schools aided under the provisions of this Act, the trustees are permitted, when the enrollment exceeds 35 pupils, to employ one competent assistant for every forty (40) pupils in excess and fractional part thereof exceeding twenty (20) pupils. The basis for calculation shall be the scholastic enrollment for the previous school year.

Sec. 6. Except as otherwise herein provided, the State Board of Education, upon recommendation and by and with the advice, consent and approval of the State Superintendent of Public Instruction, shall have power and the same is hereby granted, to formulate and enforce rules and regulations for the proper administration of this Act, including satisfactory evidence of the professional training and teaching ability of teachers employed in schools aided hereunder, not inconsistent with public educational policies, practices and general laws of the State, and without discrimination against or in favor of any locality in the State of Texas; and all necessary blanks, reports and other supplies needed to properly enforce the Act, shall be supplied by the State Department of Education.

Sec. 7. The State Board of Education is hereby authorized to set aside an amount out of the appropriation herein provided not to exceed twenty thousand (\$20,000.00) dollars for each fiscal year for the proper administration of this Act.

Sec. 8. Warrants and Reports.—Warrants for all money granted under the provisions of this Act shall be transmitted by the State Superintendent of Public Instruction to treasurers or depositors of school districts to which State aid is granted in the same manner as warrants for State apportionments are now transmitted, and it shall be the duty of all treasurers or depositories to make annually itemized reports under oath to the State Superintendent of Public Instruction of the Expenditure of all money granted under the provisions of this Act.

Sec. 9. Apportionment Privileges.—Rural schools accepting the provisions of this Act shall be entitled to

share in the distribution of State and county available school funds, and in all other school funds in the same manner, as all other school districts; and in case high school grades are maintained, the community shall still be entitled to participate in the distribution of any State aid that may be extended by the Legislature of Texas for vocational or industrial purposes to high schools of the State.

Sec. 10. Out of the appropriation made in Section 1, of this Act authority is hereby granted to expend not to exceed \$150,000.00 for the year ending August 31, 1928, and not to exceed \$150,000.00 for the year ending August 31, 1929, for the purpose of paying free tuition as provided for and authorized in Chapter 181 of the General Laws of the Regular Session of the Fortieth Legislature, the same being H. B. No. 463.

Sec. 11. The fact that many schools in rural districts are in need of aid, and that public policy requires that proper provisions be made for the maintenance and support of our schools with as little delay as possible, and the further fact that considerable time is required in preparation for carrying out the terms of this Act before the schools can take advantage of the provisions stated herein creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Witt sent up the following amendment to the amendment by Senator Moore:

Amend the Moore amendment to S. B. No. 7 by striking from Section 2 of same the following language: "in any sum from 50 cents to 75 cents" and substitute "of not less than seventy-five (75) cents."

The amendment was read and adopted.

Senator Witt sent up the following amendment to the amendment by Senator Moore:

Amendment No. 2 to Amendment No. 3, S. B. No. 7.

Amend the Moore amendment to S. B. No. 7 by striking from Section

2 the following language, "and provided said school meets all other requirements as to location, construction and equipment of building, and suitable campus authorized by the State Department of Education, which shall be in conformity with the school building law of this State."

The amendment was read and on motion of Senator Bowers was tabled.

Senator Wirtz sent up the following amendment to the pending amendment by Senator Moore:

By adding at the end of Section 4 the following: "Provided, further, that each district otherwise entitled to aid hereunder shall receive an amount not exceeding the total contributed to the support of such school from the maintenance tax of the district."

The amendment was read and lost.

Senator Greer sent up the following amendment to the amendment by Senator Moore:

Amend the amendment to S. B. No. 7 by striking out Division A under Section 3, and inserting in lieu thereof the following:

A. Duties of the State Superintendent of Public Instruction.—It shall be the duty of the State Superintendent, and he is hereby authorized, to take such action and to make such rules and regulations not inconsistent with the terms of this Act, as, in his opinion, may be necessary to carry out the provisions and intentions of this Act and for the best interest of the schools for whose benefit the funds are appropriated. It shall be the duty of the State Superintendent to send one of the rural school supervisors, hereby authorized who shall make a thorough investigation in person of the grounds, buildings, equipment, teaching force, and financial condition of each school applying for aid under the provisions of this Act, and aid shall not be granted unless it can be shown that all provisions of this Act and regulations made by the State superintendent have been complied with, and that such amount of aid is actually needed.

The amendment was read.

The previous question was ordered on the amendment and amendment to the amendment on motion of Senator Miller.

Message from the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, May 25, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 3 and request the Senate for the appointment of a Free Conference Committee to adjust the difference between the two Houses. The following are appointed as conferees on the part of the House:

Teer, Pearce, Purl, Wallace of Freestone, Young.

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

Conference Committee on S. B. No. 3.

The Chair announced the following Free Conference Committee on H. B. No. 3:

Senators Wood, Real, Westbrook, Hall, Bailey.

Recess.

The Senate, at 12:00 M., on the motion of Senator Bailey, recessed until 2:00 P. M.

After Recess.

The Senate was called to order by President Pro Tem. Pollard at 2:00 P. M., pursuant to recess.

Senate Bill No. 19.

Senator Real received unanimous consent to take up out of its order the following bill:

S. B. No. 19, A bill to be entitled "An Act to amend Chapter 77 of the Local and Special Laws enacted by the Thirty-third Legislature at its Regular Session, convened on January 14, 1913, and adjourned on April 1, 1913, and approved March 24, 1913, the same being a Special Road Law for Bexar County, Texas, by adding thereto Section 31a authorizing the commissioners' court of Bexar County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof; an ddeclar-

ing an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Real, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 19 was put on its third reading and final passage, by the following vote:

Yeas—26.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Floyd.	Miller.
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Absent—Excused.

McFarlane.	Ward.
Price.	

The bill was read third time and passed finally, by the following vote:

Yeas—24.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Floyd.	Reid.
Greer.	Stuart.
Hall.	Triplett.
Hardin.	Westbrook.
Holbrook.	Wirtz.
Lewis.	Witt.
Love.	Wood.
Moore.	Woodward.

Present—Not Voting.

Fairchild.

Absent.

Miller.	Smith.
Russek.	

Absent—Excused.

McFarlane.	Ward.
Price.	

Senate Bill No. 7.

The question recurred upon the amendment by Senator Greer to the amendment by Senator Moore.

The previous question having been ordered, the amendment to the amendment was lost by the following vote:

Yeas—7.

Fairchild.	Neal.
Greer.	Reid.
Lewis.	Smith.
Love.	

Nays—17.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Stuart.
Hall.	Triplett.
Hardin.	Westbrook.
Holbrook.	Wirtz.
Miller.	Witt.
Moore.	Woodward.

Absent.

Bowers.	Ward.
Real.	

Absent—Excused.

McFarlane.	Wood.
Price.	

(Pair Recorded.)

Senator Floyd (present), who would vote yea, with Senator Russek (absent), who would vote nay.

The amendment by Senator Moore was adopted by the following vote:

Yeas—16.

Bailey.	Parr.
Berkeley.	Reid.
Bledsoe.	Stuart.
Hall.	Triplett.
Hardin.	Westbrook.
Holbrook.	Wirtz.
Miller.	Wood.
Moore.	Woodward.

Nays—7.

Fairchild.	Neal.
Greer.	Pollard.
Lewis.	Smith.
Love.	

Absent.

Bowers.	Witt.
Real.	

Absent—Excused.

McFarlane.	Strong.
Price.	Ward.

(Pair Recorded.)

Senator Floyd (present), who would vote nay, with Senator Russek (absent), who would vote yea.

The bill as amended was passed to engrossment.

On motion of Senator Love, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 7 was put on its third reading and final passage, by the following vote:

Yeas—25.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Fairchild.	Reid.
Floyd.	Smith.
Greer.	Stuart.
Hall.	Triplett.
Hardin.	Westbrook.
Holbrook.	Wirtz.
Lewis.	Witt.
Love.	Wood.
Miller.	Woodward.
Moore.	

Absent.

Bowers.	Russek.
Real.	

Absent—Excused.

McFarlane.	Ward.
Price.	

The bill was read third time.

Senator Moore sent up the following amendment:

Amend Senate Bill No. 7 by striking out all above the enacting clause and insert in lieu thereof the following:

A BILL

To Be Entitled

An Act to advance and develop public education in financially weak school districts of the State by appropriating one and one-half million (\$1,500,000.00) dollars for the fiscal year ending August 31, 1928, and an equal amount for the fiscal year ending August 31, 1929, or so much thereof as may be necessary; fixing the number of scholastics in the school districts granted aid and the minimum and maximum tax rate necessary to be collected by the school district seeking aid; providing the purposes for which the funds herein appropriated shall be used; designating the county superintendent of schools to make a survey of the needs, equipment, furnishing, financial condition and other conditions of the school and school district requesting aid; making the county superintendent of the coun-

ty a neutral party in seeking, recommending and granting of aid to schools and school districts; designating the State Superintendent of Public Instruction, the chairman of the rural school division of the State Department of Education and one assistant State Superintendent as the body to determine the justness of aid requests and the amount granted to each school; providing for the aid of consolidated and rural high schools, and the amount of expense to be borne by the State in transporting pupils to and from consolidated and rural high schools; fixing the maximum and minimum salaries to be paid teachers in schools aided by the appropriations herein made; designating the State Board of Education, upon recommendation of, and by and with the advice, consent and approval of the State Superintendent of Public Instruction, to enforce and administer this Act in all points not otherwise herein provided; requiring the State Department to furnish all blanks, reports, papers and other paraphernalia for the proper enforcement and administration of this Act; fixing the maximum amount the State Board of Education may appropriate from the funds herein provided for the proper administration of this Act; providing for the issuance of warrants and reports hereunder, the apportionment privileges allowed schools and school districts aided by the appropriation herein provided; providing for the payment of tuition of transferred high school pupils for the wise and proper enforcement of Chapter 181, General Laws, Regular Session, 40th Legislature, the same being House Bill No. 463; and declaring an emergency.

The amendment was read and adopted by unanimous consent.

Senator Love sent up the following amendment:

Amendment No. 3 to Amendment No. 3, S. B. No. 7.

By Love:

Amend S. B. No. 7 by striking out in lines 7 and 8 and also in line 9, page 8 the figures \$150,000.00 and inserting in lieu thereof the figures \$200,000.00.

The amendment was read and adopted by the following vote:

Yeas—21.

Bailey.	Miller.
Berkeley.	Moore.
Bledsoe.	Neal.
Bowers.	Parr.
Fairchild.	Reid.
Floyd.	Smith.
Greer.	Stuart.
Hall.	Westbrook.
Hardin.	Wood.
Holbrook.	Woodward.
Love.	

Nays—4.

Lewis.	Triplett.
Pollard.	Wirtz.

Absent.

Real.	Witt.
Russek.	

Absent—Excused.

McFarlane.	Ward.
Price.	

The bill was finally passed by the following vote:

Yeas—26.

Bailey.	Moore.
Berkeley.	Neal.
Bledsoe.	Parr.
Bowers.	Pollard.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Wood.
Miller.	Woodward.

Absent.

Witt.

Absent—Excused.

McFarlane.	Russek.
Price.	Ward.

Simple Resolution No. 3.

Senator Miller sent up the following resolution:

Whereas, There is a famous colored orchestra from Virginia just outside the door of the Senate,

Whereas, They play musical instruments of the most unique character,

Whereas, The members of the Senate are tired over'long drawn out

controversy over the question of rural aid,

Therefore, Be it resolved by the Senate that the aforesaid orchestra be permitted to play a few of their selections.

BAILEY.
MILLER.
WIRTZ.

The resolution was read and adopted.

Executive Messages.

Executive Office,
Austin, Texas, May 25, 1927.
To the Honorable Fortieth Legislature.

Gentlemen: At the Regular Session of the Fortieth Legislature provision was made for the appointment of a committee to codify the school laws of the State. The attached is a copy of the school laws as codified by the committee, and prepared in the form of a bill. The subject of the passage of the attached bill is submitted for your consideration.

Respectfully submitted,
DAN MOODY,
Governor.

Executive Office,
Austin, Texas, May 25, 1927.
To the Honorable Members of the Fortieth Legislature.

Gentlemen: At the request of the Board of Health the attached bills are submitted for your consideration.

A bill to be entitled "An Act to better protect and promote the health of the people of Texas; establishing the State Department of Health, to consist of a State Board of Health, appointed by the Governor, a State Health Officer, appointed by the State Board of Health; fixing the term of office of the members of the State Board of Health, etc., and declaring an emergency."

A bill to be entitled "An Act to provide for an adequate system of vital statistics, and for the registration of all births and deaths in this State, and for the compiling and preservation of records for such purposes, etc."

Respectfully submitted,
DAN MOODY,
Governor.

Recess.

The Senate at 2:20 p. m., on motion of Senator Miller, recessed for

fifteen minutes to hear the colored orchestra from Virginia.

After Recess.

The Chair (Lieutenant Governor Miller) called the Senate to order at the close of the fifteen minute recess.

Senate Bill No. 23.

The Chair laid before the Senate on the calendar the following bill:

S. B. No. 23, A bill to be entitled "An Act relating to the jurisdiction of the county court of Menard County, conferring upon said court civil and criminal jurisdiction and increasing the criminal and civil jurisdiction of said court; conforming the jurisdiction of the district court of said county to such change; fixing the time of holding court and to repeal all laws in conflict with this Act, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 23 put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Moore.
Berkeley.	Neal.
Bledsoe.	Parr.
Bowers.	Pollard.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Wood.
Miller.	Woodward.

Absent.

Witt.

Absent—Excused.

McFarlane.	Russek.
Price.	Ward.

The bill was read third time and passed finally, by the following vote:

Yeas—28.

Bailey.	Greer.
Berkeley.	Hall.
Bledsoe.	Hardin.
Bowers.	Holbrook.
Fairchild.	Lewis.
Floyd.	Love.

Miller.	Stuart.
Moore.	Triplett.
Neal.	Ward.
Parr.	Westbrook.
Pollard.	Wirtz.
Real.	Witt.
Reid.	Wood.
Smith.	Woodward.

Absent.

Russek.

Absent—Excused.

McFarlane.

Price.

Senate Bill No. 24.

The Chair laid before the Senate on the calendar, the following bill:

S. B. No. 24, A bill to be entitled "An Act relating to the jurisdiction of the county court of Sterling County, conferring upon said court civil and criminal jurisdiction and increasing the criminal and civil jurisdiction of said court; conforming the jurisdiction of the district court of said county to such change; fixing the time of holding court and to repeal all laws in conflict with this Act, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 24 was put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Witt.
Miller.	Wood.
Moore.	Woodward.

Absent—Excused.

McFarlane.

Ward.

Price.

The bill was read third time and passed finally, by the following vote:

Yeas—28.

Bailey.	Bledsoe.
Berkeley.	Bowers.

Fairchild.	Pollard.
Floyd.	Real.
Greer.	Reid.
Hall.	Russek.
Hardin.	Smith.
Holbrook.	Stuart.
Lewis.	Triplett.
Love.	Westbrook.
Miller.	Wirtz.
Moore.	Witt.
Neal.	Wood.
Parr.	Woodward.

Absent—Excused.

McFarlane.

Ward.

Price.

Senate Bill No. 25.

The Chair laid before the Senate on the calendar, the following bill:

S. B. No. 25, A bill to be entitled "An Act relating to the jurisdiction of the county court of Irion County, conferring upon said court civil and criminal jurisdiction and increasing the criminal and civil jurisdiction of said court, conforming the jurisdiction of the district court of said county to such change; fixing the time of holding court and to repeal all laws in conflict with this Act, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 25 was put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Witt.
Miller.	Wood.
Moore.	Woodward.

Absent—Excused.

McFarlane.

Ward.

Price.

The bill was read third time and passed finally, by the following vote:

Yeas—28.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Witt.
Miller.	Wood.
Moore.	Woodward.

Absent.

McFarlane.	Ward.
Price.	

Senate Bill No. 26.

The Chair laid before the Senate on the calendar, the following bill:

S. B. No. 26, A bill to be entitled "An Act to change and prescribe the time for holding district court of the Fifty-first Judicial District of the State; and to conform all writs and process from such court to such changes and to make all writs and process issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of court in the several counties in said district, as herein fixed, and to validate the summoning of grand juries and petit juries; and providing for the continuation of court in session in said district when this Act takes effect, to the end of its term; and repealing all laws and parts of laws in conflict herewith."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 26 was put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Love.
Berkeley.	Miller.
Bledsoe.	Moore.
Bowers.	Neal.
Fairchild.	Parr.
Floyd.	Pollard.
Greer.	Real.
Hall.	Reid.
Hardin.	Russek.
Holbrook.	Smith.
Lewis.	Stuart.

Triplett.	Witt.
Westbrook.	Wood.
Wirtz.	Woodward.

Absent.

McFarlane.	Ward.
Price.	

The bill was read third time and passed finally, by the follownig vote:

Yeas—28.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Witt.
Miller.	Wood.
Moore.	Woodward.

Absent—Excused.

McFarlane.	Ward.
Price.	

Senate Bill No. 31.

The Chair laid before the Senate on the calendar, the following bill:

S. B. No. 31, A bill to be entitled "An Act ratifying and validating an election heretofore held in and throughout Dimmit County, Texas, upon the question authorizing the issuance of \$560,000.00 Special Road Bonds of said county, and levying a tax in payment thereof; ratifying and validating the petition for such election, the order calling such election and notices thereof, and all orders passed by the commissioners' court of said county in respect thereto, etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 31 was put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Floyd.
Berkeley.	Greer.
Bledsoe.	Hall.
Bowers.	Hardin.
Fairchild.	Holbrook.

Lewis.	Russek.
Love.	Smith.
Miller.	Stuart.
Moore.	Triplett.
Neal.	Westbrook.
Parr.	Wirtz.
Woodward.	Witt.
Real.	Wood.
Reid.	Pollard.

Absent.

McFarlane.	Ward.
Price.	

The bill was read third time and passed finally, by the following vote:

Yeas—28.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Witt.
Miller.	Wood.
Moore.	Woodward.

Absent—Excused.

McFarlane.	Ward.
Price.	

Senate Concurrent Resolution No. 4.

Senator Witt sent up the following resolution:

Whereas, The General Association United Daughters of the Confederacy have erected a Boulder of gray Texas granite at Brownsville, Texas, commemorating the services of Jefferson Davis to the United States in landing troops at Point Isabel during the Mexican War (1846), from which place he joined General Zachary Taylor's command and became the hero of the battles of Buena Vista and Monterrey, which said Boulder bears the following inscription:

Inscription

Commemorating the Services
To the United States of America
—of—

Jefferson Davis—President C. S. A.
Graduated West Point 1828
Served on Indian Frontier 1828-1835
United States Congress 1845-1846
U. S. A. Col. Com. Miss. Troops

Landed Point Isabel, Texas, 1846
Hero Buena Vista and Monterrey
Declined Post Brig. Gen. U. S. A.
Secretary of War 1835-1857
U. S. Senator (Miss.) 1849-'51-'57-'61
(Resigned)
Soldier—Statesman—Martyr
Erected 1926
by

United Daughters of the Confederacy

Whereas, This Boulder also marks the most Southern point on the Jefferson Davis National Highway, which extends from Washington, D. C., to San Francisco, California, the Texas portion of which was legally designated by the Thirty-seventh Legislature;

Whereas, The United Daughters of the Confederacy wish to convey to the State of Texas as a sacred trust, this tribute to one of the nation's greatest statesmen and soldiers;

Therefore be it resolved by the Senate of Texas, the House concurring, That the Fortieth Legislature express its appreciation to the United Daughters of the Confederacy for this gift;

Be it further resolved, That this memorial be formally accepted for Texas by the Governor of this State.

The resolution was read and adopted.

Simple Resolution No. 24.

Senator Pollard sent up the following resolution:

By Senators Pollard, Hardin, Fairchild, Greer Floyd, Parr, Stuart, Russek, Miller, Moore, Woodward, and Lewis.

Whereas, There is incorporated in the eleemosynary appropriation bill an item of \$50,000 the second year providing for the construction of a building for the criminal delinquent negro girls in this State, and

Whereas, It is the judgment of the Senate that this building should not be constructed during the present administration, now

Therefore be it resolved by the Senate, That the conference committee be and they are hereby requested to eliminate this item from the bill when they meet the House Conference Committee on the eleemosynary appropriation bill.

The resolution was read.

Adjournment.

The Senate at 3:15 p. m. on motion of Senator Bailey, adjourned

until tomorrow morning (Thursday)
at 10:00 a. m.

APPENDIX.

Petitions and Memorials.

The United Daughters of the Confederacy request the honor of your presence at the unveiling and dedication of the Boulder, commemorating the service of Jefferson Davis to The United States of America, and marking the most Southern point of The Jefferson Davis National Highway, Friday, June the third, nineteen hundred and twenty-seven, nine-thirty in the morning, Brownsville, Texas.

Mrs. St. John A. Lawton, President General United Daughters of the Confederacy, Charleston, S. C.

Miss Decca Lamar West, Chairman of Boulder Committee, Waco, Texas.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, May 25, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No 12 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, May 25, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 19 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, May 25, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 28 carefully examined and compared, and find the same correctly enrolled and have this day at 2:10 o'clock p. m. presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Reports.

Committee Room.

Austin, Texas, May 25, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 15, A bill to be entitled "An Act making an appropriation for the survey of the Davis Mountains State Park Highway in the Davis Mountains of Texas, to be a part of the system of State Highways and providing that State convicts may be utilized in the construction of said highway, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal.

WOOD, Chairman.

By Love.

S. B. No. 15.

A BILL

To Be Entitled

An Act making an appropriation for the survey of the Davis Mountains State Park Highway in the Davis Mountains of Texas, to be a part of the system of State highways and providing that State convicts may be utilized in the construction of said Highway, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The State Highway Commission is hereby directed to immediately make a survey of a highway, to be a part of the system of State highways and to be known as the Davis Mountains State Park Highway, which shall commence at the town of Fort Davis, Jeff Davis County, Texas, and extend thence to or near the Prude ranch, and thence through or near a ranch belonging to J. W. Merrell; thence through the U-up and down lower ranch, and thence through or near the Fowlkes ranch, and thence by or near Mt. Livermore and through the U-up and down upper ranch, to the Rock Pile or Reynolds ranch, and thence by or near the Jones or Finley ranch and the Kelley ranch to the Valentine-Fort Davis Road, and thence by the Skillman Grove Camp Meeting Ground to the J. W. Merrell Home ranch and Blue Mountain to the starting point at Fort Davis, Texas.

Said Highway shall not exceed eighty (80) miles in length and shall be of such width as the Highway

Commission shall prescribe, and shall traverse generally the course and the territory herein outlined along such route as may be deemed most desirable from the scenic and climatic standpoints and most advisable from the standpoint of economy of construction; provided that said Highway shall not be located except along routes where the right of way may be obtained without expense to the State, and also, unless the State Highway Commission shall be able to obtain donations to the State at least one section of ground abutting on said highway for each ten (10) miles of length of the highway so located for the use of the people of Texas for camping accommodations and for park purposes.

The State Highway Commission shall be authorized to utilize State convicts in the construction of said Highway, if in their opinion such use is practicable and will reduce the cost of construction.

Sec. 2. There is hereby appropriated out of the State Highway Fund, to be immediately available, the sum of ten thousand (\$10,000.00) dollars, or so much thereof as may be necessary, to cover the expense of making the survey and investigations provided for by this Act.

Section 3. The fact that the survey and construction of the Davis Mountains State Park Highway herein provided for would provide in Texas a State Park and recreation ground for the convenient use of all the people of Texas, substantially one mile in altitude, with a summer climate as good as the best in the world and abounding in the most beautiful mountain scenery, at a very reasonable cost, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

TWELFTH DAY.

Senate Chamber,

Austin, Texas,

Thursday, May 26, 1927.

The Senate met at 10:00 o'clock

a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Witt.
McFarlane.	Wood.
Miller.	Woodward.
Moore.	

Absent.

Price.

Absent—Excused.

Ward.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Greer:

S. B. No. 48, A bill to be entitled "An Act relating to the duties of the County Board of Trustees of the public schools of this State, in all counties having not less than 34,000 and not more than 34,500 population, according to the federal census of 1920, authorizing them to condemn land for school purposes; etc., and declaring an emergency."

Read first time and referred to Committee on Education.

By Senator McFarlane:

S. B. No. 49, A bill to be entitled "An Act to amend Article 847 of Title 10 of the Code of Criminal Procedure of the State of Texas providing that no judgment in any criminal case shall be reversed by the Court of Criminal Appeals for any error not affecting the judgment or causing injury to the defendant."